BROMBERG & SUNSTEIN LLP ATTORNEYS AT LAW

125 SUMMER STREET

BOSTON, MA 02110-1618

(617) 443-9292 FACSIMILE: (817) 443-0004

WWW.BROMSUN.COM

BRUCE D. SUNSTEIN LEE CARL BROMBERG ROBERT L. KANN TIMOTHY M. MURPHY KERRY L. TIMBERS JOEL R. LEEMAN ROBERT M. ASHER THOMAS C. CAREY ERIK PAUL BELT JULIA HUSTON STEVEN G SAUNDERS SAMUEL J. PETUCHOWSKI, PH.D.

JUDITH R.S. STERN LISA M FLEMING HARRIET M STRIMPEL, D. PHIL. SONIA K. GUTERMAN. PH.D.

> SENIOR SCIENTIST WAYNE G HASER NON LAWYER

> > TO:

FACSIMILE TRANSMISSION

Examiner Peter Paras

United States Patent and Trademark Office

Art Unit 1632

(703) 308-4242 FAX #:

Sonia K. Guterman FROM:

September 18, 2001 DATE:

09/472,558 SERIAL NO .: December 27, 1999 FILING DATE:

OUR FILE: 2498/101

12 NO. OF PAGES (including cover page):

COMMENTS/INSTRUCTIONS:

Dear Examiner Paras:

This fax includes a Boston Globe notice of June 12, 2001 ("Shutting down genes") concerning a scientific publication from Klaus Weber's group at the Max Planck Institute: a copy of that scientific publication (Elbashir et a., Nature 411, 494-498, 2001) and a Nature News and Views article (Bass, B. Nature 411, 428-429) highlighting that publication.

Elbashir et al. cite the published paper of the present application, see their reference 15. However they mischaracterize this work as an example of co-suppression, whereas the application specifically points out that muting of the endogenous gene is independent of expression of the transgene (see the application, p. 10, lines 13-15), unlike co-suppression.

I hope this information is helpful to you, and I look forward to talking with you in the future, perhaps next week.

Sincerely,

Sonia Guterman

in Guteman

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AT (617) 443-9292. THANK YOU.

THEODORE E. MACVEAGH ANNE MARIE LONGOBUCCO LINCOLN S. JALELIAN

CHRISTOPHER K. BARRY - SMITH KAREN A. BUCHANAN JOHN F WARD
LISA M. TITTEMORE
JOHN J. STICKEVERS JILL E. DIAZ AHAVIAH D. GLASER HERBERT A. NEWBORN JEFFREY T. KLAYMAN NICOLE ZAWARSKI JAY SANDVOS ALTON HORNSBY IIIT JEAN M. TIBBETTS
JENNIFER M. REYNOLDS
ELIZABETH P. MORANO DAVID ROBERT FOSS

KEITH J. WOOD ALEXANDER J. SMOLENSKI, JR. F. JAMES COE JOHN L. CONWAY YANG XU. PH.D INOT ADMITTED IN MASSACHUSETTS

FAX PECSIVED

SEP 1 > 20m

GIMB TRUE